

AD-A253 223



NAVAL WAR COLLEGE
Newport, R. I.

DTIC
ELECTE
JUL 28 1992
S A D

2

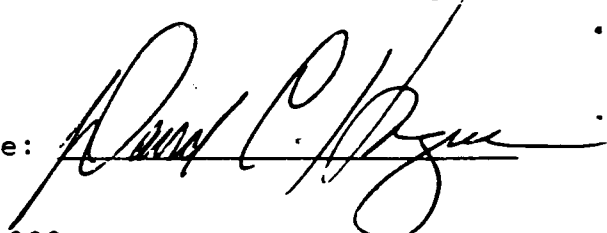
BASE CLOSURES AND REALIGNMENTS --
THEIR IMPACT ON FUTURE OPERATIONAL CAPABILITY

by

Colonel David C. Hague, U.S. Marine Corps

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Operations.

The content of this paper reflect the personal views of the author and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature: 

18 May 1992

Paper directed by Captain H. W. Clark, U. S. Navy
Chairman, Department of Operations

Approved by:

Faculty Research Advisor

Date

This document has been approved
for public release and sale; its
distribution is unlimited.

92-20217



92 7 27 133

REPORT DOCUMENTATION PAGE

1a. REPORT SECURITY CLASSIFICATION UNCLASS			1b. RESTRICTIVE MARKINGS		
2a. SECURITY CLASSIFICATION AUTHORITY			3. DISTRIBUTION / AVAILABILITY OF REPORT DISTRIBUTION STATEMENT A: Approved for Public Release; distribution is unlimited.		
2b. DECLASSIFICATION / DOWNGRADING SCHEDULE					
4. PERFORMING ORGANIZATION REPORT NUMBER(S)			5. MONITORING ORGANIZATION REPORT NUMBER(S)		
6a. NAME OF PERFORMING ORGANIZATION OPERATIONS DEPARTMENT		6b. OFFICE SYMBOL (If applicable) C	7a. NAME OF MONITORING ORGANIZATION		
6c. ADDRESS (City, State, and ZIP Code) NAVAL WAR COLLEGE NEWPORT, R.I. 02841			7b. ADDRESS (City, State, and ZIP Code)		
8a. NAME OF FUNDING / SPONSORING ORGANIZATION		8b. OFFICE SYMBOL (If applicable)	9. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER		
8c. ADDRESS (City, State, and ZIP Code)			10. SOURCE OF FUNDING NUMBERS		
			PROGRAM ELEMENT NO.	PROJECT NO.	TASK NO.
			WORK UNIT ACCESSION NO.		
11. TITLE (Include Security Classification) BASE CLOSURES AND REALIGNMENTS -- THEIR IMPACT ON FUTURE OPERATIONAL CAPABILITY (UNCLASS)					
12. PERSONAL AUTHOR(S) Colonel David C. Hague USMC					
13a. TYPE OF REPORT FINAL		13b. TIME COVERED FROM _____ TO _____		14. DATE OF REPORT (Year, Month, Day) 920518	
15. PAGE COUNT 31					
16. SUPPLEMENTARY NOTATION A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Operations. The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.					
17. COSATI CODES			18. SUBJECT TERMS (Continue on reverse if necessary and identify by block number)		
FIELD	GROUP	SUB-GROUP	Reconstitution		
			Military infrastructure -- Real estate		
19. ABSTRACT (Continue on reverse if necessary and identify by block number) The impact of base closures and realignments on the operational capability of U.S. military forces reconstituted in preparation for global war is evaluated. The author argues for continued possession of many installations or, where not possible, retaining the right to reenter them, and preservation of their military utility by restricted use, zoning, and other means. The reconstitution element of national military strategy is critically examined, in the context of the overall strategy, and more narrowly with regard to need for land, sea, and air space for the housing, training, and operational use of expanded forces. The author concludes that future national security will unnecessarily be at risk because of base closings and realignments effected without due regard to future need. Numerous suggestions are offered to preserve the real estate component of the U.S. military infrastructure.					
20. DISTRIBUTION / AVAILABILITY OF ABSTRACT <input checked="" type="checkbox"/> UNCLASSIFIED/UNLIMITED <input type="checkbox"/> SAME AS RPT <input type="checkbox"/> DTIC USERS			21. ABSTRACT SECURITY CLASSIFICATION UNCLASS		
22a. NAME OF RESPONSIBLE INDIVIDUAL CHAIRMAN, OPERATIONS DEPARTMENT			22b. TELEPHONE (Include Area Code) 841-3414		22c. OFFICE SYMBOL C

Abstract of

BASE CLOSURES AND REALIGNMENTS --
THEIR IMPACT ON FUTURE OPERATIONAL CAPABILITY

The impact of base closures and realignments on the operational capability of United States military forces reconstituted in preparation for global war is evaluated. The author argues for continued possession of many installations or, where not possible, retaining the right to reenter them, and preservation of their military utility by restricted use, zoning, and other means. The reconstitution element of national military strategy is critically examined, in the context of the overall strategy, and more narrowly with regard to need for land, sea, and air space for the housing, training, and operational use of expanded forces. The author concludes that future national security will unnecessarily be at risk because of base closings and realignments effected without due regard to future need. Numerous suggestions are offered to preserve the real estate component of the United States military infrastructure.

DDO QUALITY INSPECTED

Accession For	
NTIS CRA&I	<input checked="checked" type="checkbox"/>
DTIC TAB	<input type="checkbox"/>
Unannounced	<input type="checkbox"/>
Justification	
By	
Distribution/	
Availability Codes	
Dist	Avail and/or Special
A-1	

TABLE OF CONTENTS

CHAPTER	PAGE
ABSTRACT	ii
TABLE OF CONTENTS	iii
I. INTRODUCTION	1
II. THE PROBLEM IN CONTEXT -- THE WORLD TODAY	6
III. FUTURE UNITED STATES MILITARY POSTURE	8
IV. RECONSTITUTION OF MILITARY INFRASTRUCTURE THROUGH THE EYES OF LAWYERS	13
V. DOES ANYONE CARE? WHERE ARE THE WAR FIGHTERS?.	19
VI. CONCLUSION	22
NOTES	25
BIBLIOGRAPHY	30

BASE CLOSURES AND REALIGNMENTS --
THEIR IMPACT ON FUTURE OPERATIONAL CAPABILITY

C H A P T E R I

INTRODUCTION

United States post-Cold War military strategy has four conceptual components: strategic deterrence and defense, forward presence, crisis response, and reconstitution. The most difficult and least understood of the four is reconstitution. United States strategy envisions substantial reduction of military forces in the 1990's with retention of the capability of reconstituting them to meet any future threat that may arise. The difficulty in preparing for such a eventuality is evident. What will the threat be and how long will we have to prepare for it? How large a reconstituted force is needed? A 600-ship Navy and 18-division Army, or much larger? How long will it be sustained? Where will it be located? From where will it be deployed? These and similar questions cannot be answered with certainty. Given the wide range of possibilities, however, prudence requires worst-case planning for enormously expanded capability of World War II proportions.¹

Reconstitution of United States military forces to such size and to modern-era capability would require near-total mobilization of American industry and society. The cost and effort would be enormous and the process would be immensely complex.² This paper will focus on only one aspect of reconstitution. Not manpower, defense technology, or industrial base, but domestic military infrastructure, specifically government-owned real

estate, and its impact of future United States operational capability.³

If the United States substantially reduces its armed forces as planned, and regenerates them in the future, will there be adequate domestic bases and other installations to support them and from which to defend the country?⁴ The answer is "highly unlikely," at least not without great effort and cost, unless the necessary facilities are retained or arrangements are made to insure that they can be effectively reactivated.⁵

The United States military establishment currently consists of almost five million active duty service members, civilian employees, and Reserve personnel, serving around the world. They are located at more than 631 military installations and other properties, about 485 of which are in the United States: 136 are overseas in 20 countries and 10 are in United States territories. The installations and other properties in the United States, excluding Reserve centers and minor properties break down as: 110 Army, 140 Navy, 22 Marine Corps, 206 Air Force, and seven defense agencies. Ten facilities are located in United States territories -- Guam, Puerto Rico, and Trust Territories of the Pacific Islands.⁶

The approximately 495 installations and other properties located in the United States and its territories are distributed somewhat evenly throughout the length and breadth of the country. Many of those along the eastern seaboard were established in the early 1800's. As the country moved west, more were needed.

Others, no longer required, were deactivated and closed. The Civil War produced hundreds of new military facilities, mostly east of the Mississippi, but after the conflict most of them were also closed. Subsequent wars and changing geopolitical conditions resulted in many more bases, depots, airfields, and other facilities being constructed.

The changing nature of war and the increased threat to national security dictated certain choices of sites for facilities. Strategic Air Command bases, and supporting early-warning stations, had to be located where they could most effectively counter any Soviet manned bomber or ballistic missile threat. Military Airlift Command bases needed to be where they could perform their worldwide support mission. Tactical air defense facilities had to be sited to be able to defend national air space. Naval bases, including recently constructed Kings Bay in Georgia and Bremerton in Washington, had to have suitable harbors and direct ocean access. Large maneuver areas, such as those at Fort Bragg, North Carolina, National Training Center, Fort Irwin, California, and Marine Corps Air Ground Combat Center, 29 Palms, California, were required to permit combined arms training. Vast areas of air space and bombing ranges were needed first for propeller driven aircraft, then for even wider-ranging jet aircraft. Weapons testing, chemical training, and land-based strategic ballistic missiles required isolated facilities.

Space was abundant in America, and real estate was usually inexpensive, when most of the current military infrastructure was acquired. Neither condition prevails today. The country is rapidly filling up with people and civilian infrastructure. Growth and development are also inhibited by environmental and socio-political concerns. Fragile areas and those containing endangered species are protected. Indian lands are expanding. Powerful conservation groups strongly oppose "progress." Real estate is a scarce commodity in the United States and becoming more so, and, as Will Rogers is reputed to have said, "they ain't making any more of it." Also, as demonstrated by the examples above, not all real estate is equal -- its value (and military utility) is most often determined by its location.

Giving away Government-owned real estate is relatively easy, even with the environmental cleanup often required;⁴ getting it back when and where needed may be impossible, not only because of legal constraints but because of civilian growth and development on and around the properties.

This paper will focus on one element of the future reconstitution of American military might, namely: the positioning of military forces in the United States and its territories and possessions if manpower is increased 10- or even 20-fold as in World War II when more than 12 million men were under arms.⁵ Emphasis will be on preserving vital training bases, shipyards, depots, and other facilities which support the United States military establishment, and which are required for defense of

United States territory and for operational effectiveness. Once lost by deactivation and closure, many such facilities can never be regained. Manpower can be conscripted and trained, other elements of the military support infrastructure expanded, weapons systems created, and munitions manufactured. but without domestic bases where we need them, defending the country and supporting a long-term buildup will be much more difficult.³

"Reconstitution" is the operative term to be considered in operational planning for the future and is the broad area which this paper addresses. The primary focus, however, is the legal and related practical considerations of domestic military base structure reconstitution.

The national security implications of base closures are profound, with future force capability being the issue. The rush to realign national priorities and to accommodate a leaner defense budget could produce unwelcome results in readiness, expandability, sustainability, and operational versatility if we divest ourselves of military facilities unwisely.⁴ Some existing facilities are clearly excess, and have remained open for many years only because of political considerations. Many of them will be closed by 1997 as a result of the recently completed round of base closures and realignments.⁵ Some of them have been "realigned" for use by the Reserves and National Guard, and will thus remain available for future use by active forces. Those that will be lost completely, that is be unavailable for future military use, are relatively few.

Future base closures are the concern of this writer -- they pose a great peril to national security. More bases are certain to be lost in the ongoing closure process. The restraint shown on the first round will be hard to maintain as less and less money is available for defense. There is great risk that fiscal, not defense, strategy will be the determinant.

In refusing (at the 11th hour) to close such training facilities (as recommended by the Services and the Department of Defense (DoD)!) as: Naval Training Center, Orlando, Florida; Marine Corps Recruit Depot, San Diego, California; Fort Dix, New Jersey; and Fort McClellan, Anniston, Alabama, the Federal Base Closures and Realignment Commission recognized their importance to future reconstitution.¹² The choices reflect a regard not only for current readiness but for future operational capability. Will future commissions be as wise?

C H A P T E R I I

THE PROBLEM IN CONTEXT -- THE WORLD TODAY

The familiar and predictable Cold War dichotomy of the past, expressed with varying degrees of passion as: good versus evil, capitalism versus communism, and the United States versus the Soviet Union, that has defined our world for 45 years is no more. Some insist that the current situation is a cyclical change, but most agree that epochal geopolitical and economic events have occurred and that the world is truly different. Although its

legacy will linger, and continue to influence American force planning, the two-superpower world is probably gone forever.

The Soviet empire is in disarray; its centrally controlled economy has collapsed from within. While its military forces, both conventional and nuclear remain potent, they are now more of a liability than an asset to the nation-building underway among the former republics of the U.S.S.R. Some Soviet military forces are needed for internal security and for self protection but nothing of Cold War dimensions when their goal was territorial expansion and worldwide communism.

A wide variety of complex issues face American military planners in the dramatically altered threat environment resulting from the political and military changes in the Soviet Union (and in the United States). The United States is no longer in competition with an ideological opponent of near-equal strength seeking world domination. While Soviet forces, particularly their nuclear arsenal, remain a continuing threat to world peace and stability, nothing like the half-peace or near-war that has existed between the United States and the Soviet Union since the end of World War II remains. A renascent Soviet Union or, more likely, Russian Republic, with its residual military capability, could return us to the Cold War or lead to a hot one, but such an eventuality does not appear probable. It cannot be completely disregarded, however.

Prudence and common sense require that national security decisions made now reflect concern and planning for the

uncertainties of the future, including an unfavorable shift in the balance of power. The recognition of this imperative is revealed in the most recent pronouncement of United States national security strategy, in which the President has stated: ". . . the world . . . remains a dangerous place -- a world of ethnic antagonisms, national rivalries, religious tensions, spreading weaponry, personal ambitions, and lingering authoritarianism."³

C H A P T E R I I I

UNITED STATES FUTURE MILITARY POSTURE

President Bush declared in his speech to the Aspen Institute Symposium on August 2, 1990: "Our strategy will guard against a major reversal in Soviet intentions by incorporating into our planning the concept of reconstitution of our forces." "This readiness to rebuild, made explicit in our defense policy, will be an important element in our ability to deter aggression." The President refers to it as a "rational restructuring" that must be "managed carefully."⁴

Force reconstitution was identified as one of the four major elements of United States defense strategy by Secretary of Defense Cheney in testimony before Congress in connection with the Fiscal Years 92-93 DoD budget. He said, ". . . we must maintain the ability to reconstitute a larger force structure . . . This requires us to retain those features of force capability that are most difficult to reconstitute" Secretary

Cheney identifies "quality personnel" and a "capable U.S. industrial and technology base" as examples of such features. He does not mention bases and installations, although arguably he does include them implicitly by emphasizing the "large" and "capable" forces expected from reconstitution.¹³

The President's vision for the future first presented in his Aspen speech is expanded in his "National Security Strategy of the United States" of August 1991.¹⁴ Perceiving a much less threatening world, and seeing the opportunity for major cost savings, President Bush and his advisors have concluded that: "Highly effective military forces can be supported with the level agreed to by Congress in the 1990 Budget Agreement if we can end unneeded programs, consolidate bases, streamline procedures, and adjust overall manpower levels without arbitrary restrictions."¹⁵ (Underline added.) A new military agenda has been set. "The four fundamental [military] demands of the new era are already clear: to insure strategic deterrence, to exercise forward presence in key areas, to respond effectively to crises and to retain the national capacity to reconstitute forces should this ever be needed."¹⁶ (Underline added.)

Decisions regarding force structure and deployment, choice of weapon systems, research and development commitments, and many other national defense priorities will be premised on the new national military strategy. The decision has already been made and implementation begun to create a Base Force consisting of

four force packages: Strategic Forces, Atlantic Forces, Pacific Forces, and Contingency Forces.

Admiral David E. Jeremiah, USN, Vice Chairman, Joint Chief of Staff, recently described the base force of the future: "The Army will be reduced to six active and four reserve divisions, the Navy will retire more than 100 ships, and the Air Force fighter wings will be cut to 10. The Marines will be smaller, and we need to eliminate about a quarter million men and women from our reserves. We're closing more than 400 bases and installations here in the United States and overseas."

Prudence and caution are reflected throughout the national security strategy, and in the pronouncements of our civilian and military leadership. "The ability to reconstitute is what allows us safely and selectively to scale back and restructure our forces in-being." "Relatively large numbers of personnel, trained in basic military skills, can be raised in one to two years." "We are a rich and powerful nation, and the elements of our power will remain formidable. But our wealth and our strength are not without limits. We must balance our commitments with our means and, above all, we must wisely choose now which elements of our strength will best serve our needs in the future."

Reconstitution of American military might is envisioned in the event of impending large-scale regional conflict, or global war. The new United States military strategy focuses on the likelihood of regional (and non-nuclear) conflict with countries

other than the Soviet Union and the possibility of global conflict with the Soviet Union. The three recent experiences in Grenada, Panama, and Southwest Asia serve to reinforce this emerging, fundamental shift of perspective. Regional conflicts are to be fought with active duty forces, either alone or as part of a multinational effort. Mobilization of reserves would occur as required. Limited reconstitution would be necessary if more American forces are needed.

With either limited or massive reconstitution, there will be a complex force structure, including ground, air, naval, special operations, strategic mobility, and reserve elements that must be housed and fed. The facilities for such forces cannot be put in swamps, deserts, and mountains. They constitute small cities and require the same services and infrastructure. Electric power, sewage disposal, and water are examples of essentials; there are innumerable other requirements to insure a decent quality of life and an effective fighting force.

Location is also important in connection with training, territorial defense, and other operations. Facilities near to one another are able to maximize synergistic advantage in routine operations, training, and deployment. The current location of military facilities near coastal and other operationally supportive areas, deployment sites, supply and energy sources, and major transportation arteries greatly enhance their utility. Having a large number of bases is important too. Just as maintaining two shipyards capable of building submarines is

believed to be vital so that at least one would be operative if the other is lost because of enemy action, having numerous bases scattered throughout the country provides a degree of insurance against such possibilities. Fewer bases only increases enemy ease of targeting.

Use of civilian facilities, such as commercial air and seaports, for military purposes is a potentially viable option in some cases, but dual use is difficult even in peacetime. Also, if military operations take place at civilian facilities, the risk of collateral damage in the event of enemy attack would be greatly increased.

The Department of Defense has for years attempted to improve the management of its bases and installations by consolidation of support services, reduction of civilian workforce, and other initiatives. The goal is "an efficient and economic base structure to meet current and projected peacetime and wartime requirements."² That process is certain to continue, not only for active bases but also for those that are closed or realigned and retained in inventory for future use.

The FY-91 Defense Authorization Act included a new base closure law establishing a new Defense Base Closure and Realignment Commission and associated procedures. Closures are to be recommended by the Secretary of Defense and acted on by the Commission, the President, and the Congress in April FY-91, FY-93, and FY-95.³ The President approved the first closure recommendations on July 11, 1991 and forwarded them to Congress

for mandated 45 legislative working days review. The statutory scheme provides that Congress must accept or reject the entire list. They accepted it, approving the recommended closing of 38 bases and the shifting of functions and facilities at 28 bases, to occur between 1992 and 1997. The next commission will convene in FY-93 to once again consider the status of all remaining installations.

C H A P T E R I V

RECONSTITUTION OF MILITARY INFRASTRUCTURE

THROUGH THE EYES OF LAWYERS

Among the powers of Congress enunciated in Article I, Section 8 of the United States Constitution are several that relate directly to the Armed Forces. They include the power to: declare war,¹⁴ raise and support armies,¹⁵ provide and maintain a navy,¹⁶ and to exercise authority over places purchased or ceded, including "all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings."¹⁷ These and other powers are necessary for the Congress to discharge its constitutionally imposed responsibility to "provide for the common Defense and general Welfare of the United States."¹⁸

The Constitution both empowers and constrains the Federal Government, giving it authority to act in certain instances and denying it in others. The authority to act in matters relating

to "common Defense" is particularly broad, most certainly in recognition that preservation of the state is the paramount responsibility of government. As with all provisions of the Constitution, enabling legislation is required to permit the Government to raise armies, maintain navies, and otherwise provide for the "common Defense." These statutes are contained in Title 10 ("Armed Forces") of the United States Code, in seven volumes, extending to 953 chapters and 9831 sections.

Chapter 159, Title 10 controls the acquisition and sale or other disposition of real estate by the military departments, and includes the base closures and realignments statute.¹³ Of particular interest to this discussion is Section 2663 ("Acquisition"), which empowers the secretaries of military departments to initiate legal action to acquire real estate owned by individuals, business entities, and state and local governments. Approval of Congress is required for purchase of any real estate (or interest in real estate such as a lease or easement) of an estimated value of more than \$200,000. The Marine Corps recently expanded its base at Camp Lejeune, North Carolina, in this manner, acquiring 40,000 additional acres for \$41 million over a seven year period. Not surprisingly, acquisition by purchase, or a combination of purchase and condemnation, is a protracted process. In the Camp Lejeune case, a timber company owned the land, they were anxious to sell, the land was undeveloped and unoccupied, and it still took seven years to

complete the sale. (The \$41 million needed for the purchase of the land was included in the FY-91 defense budget.)

When time is of the essence, there is provision for more expeditious action. Subsection 2663 (b) provides that "In time of war or when war is imminent, the United States may, immediately upon filing of a petition for condemnation under subsection (a), take and use the land to the extent of the interest sought to be acquired."² (Underline added.)

Other statutes authorize acquisition of any interest in land determined to be needed for national defense, including the operational integrity of military installations without prior authorization or appropriation of funds. Such acquisitions can be financed by reprogramming funds from other authorized military construction projects.³

As efficient as these summary procedures sound, even they would likely be slow, if politically feasible at all, in any circumstances short of a galvanizing event such as the Japanese surprise attack on Pearl Harbor. Intelligence predictions of a resurging Russian Republic or some other putative threat on the horizon are unlikely to energize the Congress and American people sufficiently to insure prompt action.

Most American experience with these statutes dates from the beginning of World War II when the United States population was half of what it is today, fully mobilized for war, and the country was nearly in a state of martial law. At that time, what the Federal Government wanted, it got, whether it be land for

military installations, or the relocation of segments of the population from their coastal homes into internment camps in the California deserts.

The Government has almost carte blanche legal authority to acquire real estate for public use by condemnation whenever "it is necessary or advantageous."³¹ While negotiation resulting in purchase at fair market value is the favored means of acquisition, it is not always successful, and the Government must resort to Federal court action. The process is fairly efficient, but still takes time, especially when property owners resist effectively, using both legal and political means.

That the Federal Government has Constitutional and statutory power to acquire real estate in both arms-length transactions and by force of law is clear. Challenges by landowners, local and state governments, and other interest groups would be unlikely to prevail in court against a claim of military necessity.

Congress can be expected to be more responsive to complaints of constituent land owners, particularly in the scenario envisioned for reconstitution -- several years lead time for the United States to rebuild its military forces and industrial base. Arguments of "does the military really need this base" and "wouldn't it be better elsewhere" would not influence the courts, but they would Congress. Assuming that the military makes its case successfully, and gets possession of the land, will it be useable? In many cases the answer is, no.

Marine Corps Air Station, El Toro, located in Orange County, California, just south of Los Angeles, is illustrative of this potential situation. Established in the early 1940's in what was then mostly farmland near the Pacific coast and in close proximity to the major Marine Corps training base, Camp Pendleton, El Toro was perfectly situated. Uncluttered airspace over both the Pacific and lightly populated central California allowed for realistic air defense and ground support training. Proximity to Camp Pendleton and major naval facilities in San Diego further south facilitated interoperative training with ground forces, both on the beach and inland, and with Navy warships and other naval aircraft. El Toro was also (and remains) ideally located to fulfill its other primary role, that of coastal air defense. The mission of El Toro has changed little in the intervening half-century, but California has. There were less than seven million Californians in 1940; there are more than 29 million now, and most of them are in Southern California, where El Toro is.³³ Only extraordinary efforts by the Marines with oftentimes uncertain popular and political support have kept El Toro in business. As is, the air station is completely surrounded by urban sprawl, and flight operations are severely limited both in area and time. Aircraft must use limited access and egress routes; they must operate at reduced speeds at specified altitudes; and only during certain hours.

If El Toro is lost in future base closures, as is rumored will happen, and is mothballed, or put to some benign use such as

a national or state park, the likelihood that it could ever be effectively used again is still almost nil. The most draconian governmental action would be required to make it possible. The issue would not be getting the land back, since in this hypothetical it would still be unoccupied, but rather the de facto "taking" of private property surrounding the base that would result from its reactivation after years of nonuse.

What would occur is massive inverse condemnation. Reactivating El Toro in 10, 20, or 30 years would "condemn" much of the surrounding property, that is significantly reduce its value, if not destroy its utility for normal civilian use entirely. Even conservative extrapolation of current population growth figures and property values into the 21st century reveals astronomical societal and monetary costs from such reactivation. The political price to pay would be equally great.

Another legal issue of consequence is that of jurisdiction. The Federal Government usually exercises jurisdiction -- that is legislative and law enforcement power -- over property it occupies either exclusively or concurrently with the state in which the property is located. In some instances, the Government only has a proprietary interest in the property, and state authorities must be called upon to prosecute most non-military crimes that occur on it. Sometimes, the Government has exclusive jurisdiction over the original portions of older facilities, and concurrent or proprietary jurisdiction over lands acquired in recent decades. In some cases, such as the 40,000 acres

recently added to Camp Lejeune, where the State of North Carolina retained jurisdiction, the Government has no legislative or law enforcement power, it is just a landowner as a private party would be. No matter the status of jurisdiction, however, states cannot interfere with the military in the performance of its mission -- to that extent, the Federal Government is supreme. The day-to-day operations of bases can be complicated, however, by the lack of exclusive jurisdiction, particularly in the area of law enforcement, but also with regards to state regulatory requirements. Consequently, when the military has exclusive jurisdiction, it is wont to give it up; and, states are seldom willing to cede jurisdiction of any form to the Federal Government. The Federal Government should therefore make every effort to insure that it retains jurisdiction over any properties it categorizes as temporarily excess, and allows to be used for other purposes.

C H A P T E R V

DOES ANYONE CARE? -- WHERE ARE THE WAR FIGHTERS?

Review of Congressional testimony, speeches and writings of United States political and military leaders, including the President, Secretary of Defense, and Chairman, Joint Chief of Staff, reveal no significant concern for retaining military infrastructure, other than enough sufficient for the Base Force.³⁴ Closure and realignment of bases and other installations is usually discussed in the "peace dividend" context.

There is little awareness that decisions must not be based on budget status or the current world strategic situation, rather that they must be predicated on the general war that the Base Force could be reconstituted to fight.

Typical of such pronouncements is that by Deputy Secretary of Defense Donald J. Atwood to the Defense Subcommittee, Senate Appropriations Committee on February 25, 1992, which includes no mention of retaining infrastructure to accommodate a large force in the future.

"Reconstitution. Should a global military threat someday return, U.S. defense strategy calls for our nation to be prepared to expand its military capabilities as necessary. This requires that we preserve those security components that would take the longest to resurrect, most importantly: our alliance structure, forward deployments and arrangements for access to key nations and regions; the technological and doctrinal edge derived from vigorous research and development; our industrial base; and the high quality and morale of our military and civilian professionals."

Deputy Secretary Atwood does discuss base closures and alignments in his testimony, noting that bases have been and are being closed, but that ". . . there is still more to do to bring the domestic base structure in line with planned force reductions and to avoid wasting money on unneeded defense infrastructure."

The Comptroller General took a similar position in testimony before Congress on July 25, 1990, emphasizing efficiency and cost reduction.

"Closely tied to such reductions [in overall size of military forces] is the need to develop a more efficient military base infrastructure at home and abroad . . . by consolidating supply depots and maintenance facilities, centralizing payroll functions, reducing supply system costs, establishing realistic aircraft spare parts requirements, and streamlining the acquisition process."

War fighters should be deciding what defense infrastructure is needed and what is not. Yet there is little indications that they are. There is no evidence that our military leaders are any more concerned about the reconstituted force of the future than are our political leaders, at least beyond what might be required for regional contingencies. Nuclear war or limited conventional conflicts seem to be the options being considered, with no regard for the possibility of global conventional war requiring large armies, fleets, and air forces.

Are we attempting to maintain some parity between the number of installations and force structure? Is the criteria to be that each base will be evaluated in terms of its usefulness to the new Base Force, or the reconstituted force? That is the key question. Many of the actions taken thus far appear to be predicated on the former supposition. In Desert Storm, Reserves were dispatched overseas almost immediately after call-up, where they subsisted in an expeditionary environment or in host-nation facilities. Consequently, Desert Storm cannot be used as a model for major-war reconstitution, only for contingency response.

Desert Storm/Desert Shield did, however, reveal the importance of domestic infrastructure to overseas operations.

At least 118 installations in the United States deployed 100 or more active duty service members to Southwest Asia. The 49 top installations deployed from more than 33,000 at Fort Bragg, North Carolina, to approximately 700 from Naval Medical Command, Bethesda, Maryland. Installations throughout the United States were used for specialized training and weapons development/testing, long-range bombing, air and sea logistics support, communications, and other purposes.³³

Inherent in domestic infrastructure loss, just like in force reduction, is diminished flexibility and capability. Larger forces can be more places and be there more often, and thus be more of a presence and deterrent, and be able to respond to crises more rapidly. Larger forces can also be more operationally capable for both offense and defense if they are strategically located in home bases, homeland defensive positions, and deployment sites.

C H A P T E R VI

CONCLUSION

Choices among various options available to preserve bases and installations for potential use in the event of force reconstitution should be made consistent with a divestiture strategy that supports force reconstitution. Operational planners should coordinate closely with those responsible for divestiture to insure that the force of the future will be able to both defend the country and effectively project American military might. Additionally, a new category of activity --

reconstitution -- should be included among the major force programs at DoD, along with strategic forces, research and development, and the other categories. A budget account should be established for reconstitution so that it can be separately funded. The Services should identify costs associated with reconstitution so that they can be considered separately from the other three elements of national military strategy.

If upon comprehensive review of base structure requirements for reconstituted forces, certain existing facilities are deemed unneeded, they should be disposed of as being unnecessary for national defense. If a facility is deemed needed for reconstituted forces but represents excess capacity for the Base Force being created, provision should be made for its future use by such means as:

- 1.) making it dual-use, active and Reserve (and National Guard), or dedicate it entirely to Reserve training;
- 2.) if a maneuver base, using it for another purpose, such as recruit training, and when needed again, move the recruiting function elsewhere;
- 3.) locating elements of more than one Service at the facility to fully utilize it;
- 4.) converting the facility to a benign use such as a national park;
- 5.) converting it to a use that could be discontinued, such as a civilian correctional facility, or using a military air station as a civilian airport;
- 6.) using the facility for a military related civilian activity such as Civil Air Patrol or a defense industrial park; and

7.) mothballing it as we do Navy and Merchant Marine ships or as is being proposed for overseas under the dual-basing concept, taking steps to insure that its future use is not substantially affected by nearby civilian development.

However accomplished, domestic base structure must be preserved. Cost savings, serving the public good, and insuring national defense are not incompatible goals. They can all be coalesced into a unified strategy that meets current defense needs and insures against unknown threats of the future. The task should be recognized by political and military leaders as a daunting one, however.

From a operational planning perspective, the United States can ill afford to give up latent capability resident in existing infrastructure. Without the Communist menace to confront, the United States can be expected to revert to its historical norm -- a passive defense, with a limited power projection capability, and almost no overseas military presence ashore. A rapid retreat from the war footing of the past 45 years will occur with force levels probably far below current projections. Extreme political and fiscal pressures to close and realign military bases will develop. Those pressures must be resisted and managed to avoid mortgaging our future capability to home base military forces in order to achieve political and financial gains today. The same foresight that was shown in preserving portions of America in the national park system is needed now with regards to military infrastructure.

NOTES

1. Admiral Frank B. Kelso, II, USN, Chief of Naval Operations, said in a talk at the Naval War College on May 11, 1992 that "we have no vision of what we are to be when reconstituted." Consequently, he noted, preparing for reconstitution is the most difficult of the four national military strategy requirements: strategic deterrence and defense, forward presence, crisis response, and reconstitution.

2. Mr. Cheney, in his introduction to the "Interim Report to Congress on the Conduct of the Persian Gulf Conflict" noted that one important lesson learned in the Gulf conflict is "... how long it takes to build a high-quality military force. A general who is capable of commanding a division in combat is the work of more than 20 years' training. To train a senior noncommissioned officer in the Marine Corps to the high level of performance that we expect today takes 10-15 years Development and production of major weapons systems today remain a long process. From the time we make a decision to start a new aircraft system until the time it is first fielded in the force averages roughly 13 years, and double that before most of the planes are fielded." "Conduct of the Persian Gulf Conflict -- An Interim Report to Congress" prepared pursuant to Title V Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25). From Introduction by Dick Cheney, Secretary of Defense, pp. 1-9.

3. Foreign base structure is not considered in this paper, although loss of overseas bases will have serious consequences, not only in the event of reconstitution, but with regard to current readiness and sustainability. Without such facilities, training in distant areas will be reduced, lines of communication will be longer, presence will be more difficult to maintain, and projection of military power into many vital strategic areas will be slower and more costly.

4. The Department of Defense Dictionary of Military and Associated Terms defines military bases as "areas or localities containing installations that provide logistics or other support." Installations are defined as "groupings of facilities located in the same vicinity, which support particular functions."

5. The United States can look to post-World War II events for examples of base realignment and eventual closing. Sampson Naval Base in upstate New York was a boot camp in the 1940's with a population of 40,000. As the war wound down and POWs were returned to the United States, the hospital at Sampson became the destination for those suffering from tuberculosis. After the war, the base became a separation center. Later the Air Force

took over the base until the early 1960's, when it was turned over to the State of New York for a park.

6. Defense 91, September/October 1991, pp. 3, 51-2. American Forces Information Service, Alexandria, VA. Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

7. The Defense Department has identified and moved to clean up 17,482 polluted sites at 1,855 military installations in the U.S. and abroad. The Environmental Protection Agency (EPA) says 89 installations are so badly polluted that they have been placed on the "Superfund" list of high-priority jobs. The cleanup, warns the Pentagon's Inspector General, could cost \$200 billion. Air Force Magazine, Oct. 91, p. 62, "The Big Toxic Waste Cleanup."

A Defense Environmental Restoration Program to be carried out by the Secretary of Defense was established by Congress effective Oct. 17, 1986. U.S. Laws, Statutes, etc., "Service, Supply, and Procurement," U.S. Code, Title 10--Armed Forces, 1983 ed., 1990 Supplementary Pamphlet (West Publishing), sec. 2701-2707.

8. Preserving important overseas bases for future contingencies was included in one thoughtful writer's vision of the future in which the Marine Corps remains the United State's premier force in readiness. "The Marine Corps should quickly move toward a dual-base agreement with the Japanese Self-Defense Forces before political fighting forces complete closures [of U.S. military bases on Okinawa]. While some facilities would close, most would be boarded up for future use. The Japanese would become responsible for the maintenance and security of these bases. American forces would maintain the right to reoccupy the facilities and priority use of training areas and firing ranges if needed. The only Marines to remain would be a training liaison detachment of unaccompanied Marines similar to the unit in Korea." Captain Carlton W. Meyer, USMCR, "Twelve Brigades: A Blueprint for the Future," Marine Corps Gazette, April 1991, pp. 33-36. About 55,000 American service personnel are currently stationed in Japan. That number is expected to be reduced by 5,000-6,000 by 1993.

9. An enormous buildup of American military forces as occurred in World War II can be accomplished if the national will exists to support it. Adequate bases and installations will be obtained if necessary to insure national survival no matter the cost in national treasure, social upheaval, or environmental impact.

10. The Electronics Industries Association (Government Division, Requirements Committee) in its most recent, and oft cited, projection of defense budget authority for this decade reflects: FY-90 as \$320 billion; and FY-2001 as -- \$205 billion as the administration's forecast; \$240 billion as the upside estimate; and \$150 billion as the downside estimate.

11. The Base Closure and Realignment Commission, an independent body established by Congress, was created in 1984 to depoliticize the painful process of adjusting the United States military infrastructure to its shrinking forces. U.S. Laws, Statutes, etc., "Service, Supply, and Procurement," U.S. Code, Title 10-- Armed Forces, (St. Paul, MN: West Publishing, 1983, 1990 Sup. Pamphlet), sec 2687.

"The [base closure and realignment] action is expected to eliminate 80,000 military and 35,000 civilian jobs. The closures, which must be completed by 1997, are projected to save \$1.5 billion a year after closing costs are paid." Barton Gelman, "Bush Approves Panel's List of 34 Bases to Be Closed," The Washington Post, July 31, 1990, p. A, 9:1.

12. Andy Pasztor, "Federal Panel Approves Biggest Cuts in Military Bases in Almost 40 Years," The Wall Street Journal, July 1, 1991, p. A, 10:1.

13. National Security Strategy of the United States, August 1991, (Washington, DC: U.S. Government Printing Office, 1991), Preface, p. v.

14. George Bush, President of the United States, "United States Defense: Reshaping Our Forces." Delivered at Aspen Institute, Aspen, CO, Aug. 2, 1990, in Vital Speeches of the Day, Vol. LVI, No. 22, Sep. 1, 1990, p. 677.

15. Statement of Secretary of Defense, Dick Cheney, Before the House Appropriations Defense Subcommittee, in Connection with the FY 92-93 Budget for the Department of Defense, February 19, 1991.

16. National Security Strategy of the United States, August 1991.

17. Ibid., p. 31.

18. Ibid., p. 25.

19. Defense Issues, Vol. 7, No. 7, "Melding Special Operations with Forces of the Future." A speech given by Admiral Jeremiah to the 1991 Special Operations and Low-Intensity Conflict Symposium and Exposition, Washington, DC on December 9, 1991. American Forces Information Service, Office of the Secretary of Defense (Public Affairs), Washington, DC, p. 3.

20. National Security Strategy of the United States, August 1991, p. 29.

21. Ibid, p. 34.

22. U.S. Dept. of Defense, Base Structure Report for 1989 (Washington: 1988), p. 4.

23. Base closure commissions acted in 1988 and 1989. While Congress approved the closure of 86 stateside installation in 1989, only Pease Air Force Base, New Hampshire has actually closed. The 1989 law gives the military until 1995 to close the bases. There is no certainty the President will form a closure panel in 1993 or 1995, but he is authorized to do so.

24. U.S. Constitution, Art. I, sec. 8, cl. 11. "Declare War. [The Congress shall have Power] [t]o declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water." "Constitution of The United States of America," U.S. Code Service (Rochester, NY: The Lawyers Co-Operative Publishing Co.; San Francisco, CA: Bancroft-Whitney Co., 1986), p. 22.

25. Ibid, cl. 7. "Raise and support armies. [The Congress shall have Power] [t]o raise and support Armies, but no Appropriation Money to that Use shall be for a longer Term than two Years."

26. Ibid, cl. 13. "Navy. [The Congress shall have Power] [t]o provide and maintain a Navy."

27. Ibid, cl. 17. "Authority over places purchased or ceded. [The Congress shall have Power] [t]o exercise exclusive Legislation in all Cases whatsoever over such District (not exceeding 10 miles square) as may by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States, and to exercise like authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings."

The Federal Government is a big landowner, administering more than 660 million acres in the public domain, and more than 63 million acres acquired by various means. Of the latter figure, more than 9.5 million acres are administered by the three military departments. By various means, between 1781 and 1988, including grants to states, the United States has disposed of more than 1.14 billion acres of public lands. The World Almanac and Book of Facts 1991, p. 389.

28. Ibid, cl. 1. "Powers of Congress--Taxation. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the Common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

29. U.S. Laws, Statutes, etc., sec. 2687. The FY-91 Defense Authorization Act included a new base closure law establishing a new Defense Base Closure and Realignment Commission. Closures are to be recommended by the Secretary of Defense, with input

from the secretaries of the military departments, and acted on by the Commission, the President, and the Congress in FY-91, FY-93, and FY-95.

30. U.S. Laws, Statutes, etc., Sec. 2663 (b). The United States can take possession of land through its inherent power of eminent domain. Eminent domain is generally defined as the power of a sovereign state to take, or to authorize the taking of, private property for a public use without the owner's consent, conditioned on the payment of just compensation. Re Ohio Turnpike Com. 164 Ohio St. 377, 58 Ohio Ops. 179, 131 NE2d 397, app. dismd. Ellis v. Ohio Turnpike Com. 352 US 806, 1 L. ed. 2d 39, 77 S. Ct. 51, reh. den. 352 US 945, 1 L. ed. 2d 240, 77 S. Ct. 260.

"The exercise of the power of eminent domain is subject to all the prohibitions found in the Constitutions of the United States and of the several states. The provisions by which the power is chiefly limited are: (1) that property shall not be taken for public use without just compensation, and (2) that no person shall be deprived of his life, liberty, or property without due process of law." American Jurisprudence, 2d Ed., (Rochester, NY: The Lawyers Co-Operative Publishing Co.; San Francisco, CA: Bancroft-Whitney Co., 1966), vol. 26, sec. 7, p. 645.

31. 10 U.S.C. 2672 (a).

32. 40 U.S.C. 257.

33. The World Almanac and Book of Facts 1991, pp. 553 and 559.

34. One exception of record is President Bush's recognition of the importance of retaining sufficient installations at a news conference on July 1, 1991: "I'm interested in one, saving the money that we said we'll save and two, being sure -- and this comes first, actually -- that we have a proper structure from which to conduct military action that we might be called upon to conduct in the future (underline added). "Grant Willis, The Air Force Times, "Base Closures -- New Round Likely to Go Faster Than the Last One," July 15, 1991, p. 6.

35. Defense Issues, Vol. 7, No. 11, "DoD Acquisition, Budget Plans, Present and Future." American Forces Information Service, Office of the Assistant Secretary of Defense (Public Affairs), Washington, DC, p. 2.

36. Ibid., p. 5.

37. Charles A. Bowsher, Comptroller General of the U.S., "Department of Defense: Improving Management To Meet the Challenges of the 1990s," Statement before the Committee on Armed Services, U.S. House of Representatives. GAO/T-NSIAD-90-57. GAO Form 160 (12/87).

38. Defense 91, p. 55.

B I B L I O G R A P H Y

American Jurisprudence, 2d Ed., The Lawyers Co-Operative Publishing Co., Rochester, NY; Bancroft-Whitney Co., San Francisco, CA, 1986, vol. 26, sec. 7, p. 645.

Atwood, Donald J., Deputy Secretary of Defense, "DoD Acquisition, Budget Plans, Present and Future," testimony given February 25, 1992. Defense Issues, Vol. 7, No. 11., AFIS, OASD (PA), Washington, DC, p. 2.

Base Realignment and Closures -- Report of Defense Secretary's Commission, December 1988, OSD.

Base Structure Report for 1989, U.S. Department of Defense, Washington, DC, 1989, p. 4.

Bowsher, Charles A., Comptroller General of the U.S., "Department of Defense: Improving Management To Meet the Challenges of the 1990s," statement given July 25, 1990, GAO/T-NSIAD-90-57. GAO Form 160 (12/87).

Buckley, Nora C., An Overview of Studies of the Impact of Military Installations and Their Closings on Nearby Communities, The George Washington University School of Engineering and Applied Science, Institute for Management Science and Engineering, Serial T-338, July 20, 1976.

Bush, George, President of the United States, "United States Defense: Reshaping Our Forces," Vital Speeches of the Day, Vol. LVI, No. 22, September 1, 1990, p. 677.

Cheney, Dick, Secretary of Defense, Introduction to "Interim Report to Congress on the Conduct of the Persian Gulf Conflict," pp. 1-9.

"Constitution of the United States of America," U.S. Code Service, The Lawyers Co-Operative Publishing Co., Rochester, NY; Bancroft-Whitney Co., San Francisco, CA, 1986, Art. I.

Department of Defense Dictionary of Military and Associated Terms.

Defense 91, September/October 1991, American Forces Information Service, Alexandria, VA. Superintendent of Documents, U.S. Government Printing Office, Washington, DC. pp. 3, 51-2.

Gelman, Barton, "Bush Approves Panel's List of 34 Bases to Be Closed," The Washington Post, July 31, 1991, p. A, 9:1.

Jeremiah, David E., Admiral, USN, Vice Chairman, JCS, "Melding of Special Operations with Forces of the Future," speech given December 9, 1991, Defense Issues, Vol. 7, No. 7.

Kelso, Frank B., Admiral, USN, CNO, presentation at the Naval War College, May 11, 1992.

Meyer, Carlton W., Captain, USMCR, "Twelve Brigades: A Blueprint for the Future," Marine Corps Gazette, April 1991, pp. 33-36.

National Security Strategy of the United States, August 1991, U.S. Government Printing Office, Washington, DC, 1991, Preface, p. v.

Pasztor, Andy, "Federal Panel Approves Biggest Cuts in Military Bases in Almost 40 Years," The Wall Street Journal, July 1, 1991, p. A, 10:1.

"Service, Supply, and Procurement," United States Code, Title 10-Armed Forces, 1983 ed., 1990 Supplementary Pamphlet (West Publishing, St. Paul, MN), sec. 2687, 2701-2707.

"The Big Toxic Waste Cleanup," Air Force Magazine, October 1991, p. 62.

The World Almanac and Book of Facts 1991, pp. 389, 553, 559.

Willis, Grant, "Base Closures -- New Round Likely to Go Faster Than the Last One," The Air Force Times, July 15, 1991, p. 6.